

Message Text

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ACTION COA-02

INFO OCT-01 ARA-16 ISO-00 L-03 INT-08 DLOS-07 SSO-00

NSCE-00 USIE-00 INRE-00 CIAE-00 INR-10 NSAE-00 RSC-01

SS-20 NSC-07 PA-04 PRS-01 CG-00 DOTE-00 COME-00 EB-11

DODE-00 SWF-02 H-03 TRSE-00 DRC-01 /097 W

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O R 302312Z APR 74

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 0895

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L QUITO 2877

E.O. 11652: GDS

TAGS: EFIS, PBOR, PFOR, EC, US

SUBJ: REPORTED DISCRIMINATORY GOE FISHING REGULATION UNDER
CONSIDERATION

1. SUMMARY: WE HAVE LEARNED OF PROPOSED GOE REGULATION WHICH WOULD POSE SERIOUS PROBLEMS TO US TUNA INDUSTRY AND COMPLICATE USG EFFORTS TO INITIATE ASSOCIATION FISHING TALKS. WE PROPOSE TO CALL ON ACTING FONMIN, AND IF NECESSARY, OTHER INTERESTED INDUSTRIES AT SENIOR LEVELS, POINTING OUT DISRUPTIVE EFFECT THIS WOULD HAVE ON FISHERIES TALKS AND OTHER MEASURES DESIGNED TO IMPROVE US-ECUADOREAN RELATIONS. DEPARTMENT CONCURRENCE AND PARALLEL DEMARCHE IN WASHINGTON TO AMBASSADOR QUEVEDO IS REQUESTED. END SUMMARY

2. CONGEN GUAYAQUIL ORIGINALLY REPORTED APRIL 25 THE EXISTENCE OF A PROPOSED GOE FISHERIES REGULATION WHICH WOULD BAN ISSUANCE OF LICENSES TO ANY FOREIGN FLAG FISHING VESSEL OF OVER 500 NET REGISTERED TONS, OR 1000 GROSS TONS. THIS WOULD APPARENTLY HAVE THE EFFECT OF BARRING A PORTION OF THE US TUNA FLEET FROM ECUADOREAN CLAIMED WATERS, INCLUDING OUR MOST MODERN AND EFFICIENT PURSE SEINERS. (IT WOULD ALSO APPEAR TO AFFECT OTHER FLEETS SUCH AS CANADIAN, FRENCH AND SPANISH.) STATED PURPOSE OF THE MEASURE
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WOULD BE CONSERVATION, ESPECIALLY OF PROPOISES AND OTHER

COMMERCIALLY UNWANTED SPECIES WHOSE CAPTURE MAY RESULT FROM TUNA OPERATIONS. MOTIVATING FORCE BEHIND THE MEASURE IS SAID TO BE THE NAVY WHICH HAS TRADITIONALLY TAKEN A HARD (AND POORLY INFORMED) LINE IN FISHERIES QUESTIONS.

3. GUAYAQUIL'S SOURCE IS A LOCAL FISHING INDUSTRY EXECUTIVE WHO HAS BEEN PARTICIPATING, AS AN ADVISOR, IN THE DELIBERATIONS OF THE NATIONAL FISHERIES DEVELOPMENT COUNCIL. THIS LATTER ORGANIZATION IS A SENIOR INTERMINISTERIAL COMMITTEE CREATED BY THE NEW FISHERIES LAW AND CHARGED, AMONG OTHERS, WITH RESPONSIBILITY FOR DRAFTING IMPLEMENTING REGULATIONS FOR THE NEW LAW. OFFICIAL MEMBERS INCLUDE REPRESENTATIVES OF THE MINISTRIES OF NATURAL RESOURCES; FOREIGN RELATIONS; INDUSTRY, COMMERCE AND INTEGRATION; FINANCE; THE NAVY AND THE NATIONAL FISHERIES ENTERPRISE.

4. WE HAVE SINCE TAKEN THE OPPORTUNITY TO CHECK THIS REPORT OUT WITH UNDERSECRETARY FOR FISHERIES RIVADENEIRA, WHO PARTICIPATES IN THE COUNCIL'S DELIBERATIONS. HE CONFIRMS THE EXISTENCE OF THE DRAFT REGULATION IN THE FORM REPORTED ABOVE. HE ADDS THAT DRAFT REGULATION WILL ALSO EXCLUDE LONG-LINERS, A PROVISION WHICH WILL IMPACT MOSTLY ON JAPANESE.

5. THE TENOR OF OUR CONVERSATIONS WITH RIVADENEIRA, AND GUAYAQUIL'S WITH ITS SOURCE, INDICATE THE NEED FOR QUICK ACTION IF THIS PROPOSAL IS NOT TO BE ISSUED IN REGULATION FORM AND THUS CAST IN CONCRETE.

6. THE EMBASSY, THEREFORE, PROPOSES TO CALL ON ACTING FONMIN VALDEZ, MAKING THE FOLLOWING POINTS:

A. WE UNDERSTAND THAT THE NATIONAL FISHERIES DEVELOPMENT COUNCIL IS CURRENTLY CONSIDERING IMPLEMENTING REGULATIONS FOR SUPREME DECREE 178 OF FEBRUARY 12, 1974, THE NEW LAW ON FISHERIES.

B. WE UNDERSTAND FURTHER THAT ONE OF THE MEASURES CURRENTLY UNDER CONSIDERATION IS A PROHIBITION ON THE GRANTING OF FISHING LICENSES TO ANY FOREIGN FLAG VESSEL OF OVER 500 NET REGISTERED TONS. EFFECT OF THIS WOULD BE TO EXCLUDE FOREIGN FLAG VESSELS OF GREATER CAPACITY FROM FISHING IN ECUADOR'S CLAIMED TERRITORIAL WATERS.

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C. SINCE FONOFF PARTICIPATES IN COUNCIL'S DELIBERATIONS, WE WISH TO BRING TO ITS ATTENTION SOME OF THE ADVERSE CONSEQUENCES OF ABOVE MEASURE.

D. CATCH CAPACITY LIMIT OF 500 TONS WOULD AFFECT THE MOST MODERNIZED SEGMENT OF US TUNA INDUSTRY, THE VERY SEGMENT WITH WHICH WE UNDERSTAND ECUADOREAN TUNA INTERESTS WISH TO DEVELOP PROGRAM OF COOPERATION.

E. FURTHER, AS RECENTLY AS APRIL 23 AMBASSADOR QUEVEDO IN

CALL ON DEPUTY ASSISTANT SECRETARY SHLAUDEMANN GAVE IMPRESSION THAT, FROM ECUADOREAN VIEWPOINT, THERE WERE NO FURTHER OBSTACLES TO INDUSTRY-TO-INDUSTRY FISHERIES TALKS. HOWEVER, WE BELIEVE THAT IF IMPORTANT PART OF US TUNA FLEET EXCLUDED FROM CLAIMED ECUADOREAN WATERS, IT WILL BE VERY DIFFICULT FOR OUR INDUSTRY TO AGREE TO ENGAGE IN SUCH TALKS.

F. WE WOULD, THEREFORE, WISH TO RECOMMEND THAT GOE CONSIDER DEFERRING ANY MEASURE WHICH DISCRIMINATES AGAINST CERTAIN FOREIGN FLAG TUNA VESSELS AT LEAST PENDING OUTCOME OF INDUSTRY-TO-INDUSTRY FISHING TALKS TO WHICH BOTH OUR GOVERNMENTS HAVE AGREED IN PRINCIPLE.

7. WE PROPOSE TO REINFORCE THIS DEMARCHE BY LEAVING AIDE-MEMOIRE ALONG ABOVE LINES (SEPTTEL FOLLOWS WITH PROPOSED TEXT). TO FURTHER REINFORCE DEMARCHE, WE WOULD INFORMALLY REPEAT PRESENTATION AND PASS COPIES TO RIVADENEIRA, AS REPRESENTATIVE OF NATURAL RESOURCES MINISTRY, AND TO APPROPRIATE OFFICER IN ECUADOREAN NAVY.

8. IN ADDITION TO ABOVE POINTS, WE PROPOSE IN ALL PRESENTATIONS TO MAKE FURTHER POINT VERBALLY, NAMELY THAT ANY SUCH DISCRIMINATORY MEASURE COULD NOT HELP BUT BE MISUNDERSTOOD BY THOSE ELEMENTS OF USG IN WASHINGTON WHO HAVE LABORED SO HARD FOR AN IMPROVEMENT IN RELATIONS WITH ECUADOR.

9. AS MAY 1 IS LOCAL HOLIDAY, EARLIEST OPPORTUNITY TO CALL ON LOCAL OFFICIALS WILL BE THURSDAY MAY 2. IN VIEW OF REPORTS TO EFFECT THAT ACTION ON DRAFT REGULATION IS IMMINENT, WE FEEL THAT EMBASSY APPROACH SHOULD NOT BE DELAYED BEYOND THAT DATE.

10. ACTION REQUESTED: DEPARTMENT CONCURRENCE ABOVE LINE OF ACTION AND/OR FURTHER INSTRUCTIONS REQUESTED ASAP. IF DEPARTMENT CONCURS THIS APPROACH, WE RECOMMEND THAT SIMULTANEOUS, PARALLEL DEMARCHE
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BE MADE WITH AMBASSADOR QUEVEDO IN WASHINGTON IN ORDER TO EMPHASIZE OUR CONCERN.
BREWSTER

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